

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
SYRACUSE DIVISION**

ANTHONY GRIFFIN, MARK MCINDOO, and SUZANNE DETOMASO, on behalf of themselves and all others similarly situated,)	
)	Civil Action No.: 5:16-cv-354
)	(LEK/ATB)
)	
Plaintiffs,)	DECLARATION OF INNESSA
v.)	MELAMED HUOT IN SUPPORT OF
)	PLAINTIFFS' MOTIONS FOR
ALDI, INC., DOE DEFENDANTS 1-10,)	FINAL APPROVAL OF SETTLEMENT
)	AND AWARD OF ATTORNEYS'
Defendants.)	FEES AND EXPENSES

I, Innessa Melamed Huot, declare as follows:

1. I am a partner of the law firm of Faruqi & Faruqi, LLP (the "Faruqi Firm"). I submit this declaration in support of Plaintiffs' Motions for final approval of settlement and award of attorneys' fees in connection with services rendered in this case, as well as the reimbursement of expenses incurred by my firm in connection with this collective class action litigation. I have personal knowledge of the matters set forth herein based upon my active supervision and participation in all material aspects of this litigation.

2. My firm is Co-Lead counsel in this matter. The Faruqi Firm is a national law firm with offices in New York, Pennsylvania, California, Delaware, and Georgia. The Faruqi Firm's practice focuses on complex and class action litigation, involving employment, consumer, antitrust, financial, corporate governance, and securities matters. The Faruqi Firm has extensive experience in the litigation, trial, and settlement of complex class actions. Some of the firm's more recent notable recoveries include: *Run Them Sweet, LLC v. CPA Global Limited, et al.*, Case No. 1:16-cv-1347 (E.D. Va., Oct. 6, 2017) (\$5.6 million settlement for 2,917 class members); *Strong, et al. v. Safe Auto Insurance Group, Inc., et al.*, Case No. 2:16-cv-765 (S.D. Ohio, Aug. 28, 2017) (\$250,000 class action settlement for unpaid overtime and statutory damages); *Foster, et al. v. L-*

3 *Communications EoTech, Inc., et al.*, Case No. 6:15-cv-03519-BCw (W.D. Mo., July 7, 2017) (\$51 million class action settlement); *March, et al. v. First Choice Medical, PLLC*, Case No. 15-cv-3669 (E.D.N.Y., Mar. 6, 2017) (\$110,000 recovery for hourly employees claiming unpaid overtime); and *Guttentag, et al. v. Ruby Tuesday*, Case No. 12-cv-03041 (S.D.N.Y., Oct. 2, 2014) (\$3 million recovery for employees in FLSA wage suit).

3. The hourly rates the Faruqi Firm charges are listed in the schedule below, indicating the amount of time spent by attorneys and professional support staff of my firm who were involved in this litigation. The schedule below also shows the lodestar calculation based on a discounted rate of my firm's current billing rates.

Attorney/Staff	Hours	Regular Rate	Discounted Rate	Regular Lodestar	Discounted Lodestar
Partners					
Gonnelli, Adam	138.25	\$795.00	\$500.00	\$109,908.75	\$69,125.00
Huot, Innessa	921.75	\$600.00	\$500.00	\$553,050.00	\$460,875.00
Associates					
Hartzband, Alex, J.	25.60	\$450.00	\$350.00	\$11,520.00	\$8,960.00
Reina, Josephine, A.	28.75	\$450.00	\$350.00	\$12,937.50	\$10,062.50
Collopy, Patrick, J.	57.40	\$400.00	\$350.00	\$22,960.00	\$20,090.00
Law Clerks					
Sher, Jacob, B.	104.25	\$350.00	\$275.00	\$36,487.50	\$28,668.75
Paralegals					
Aloise, Anthony, J.	189.90	\$310.00	\$175.00	\$58,869.00	\$33,232.50
Behnke, Derek	30.25	\$310.00	\$125.00	\$9,377.50	\$3,781.25
Braxton, Simone	1.25	\$310.00	\$125.00	\$387.50	\$156.25
LoBosco, Michael	8.25	\$310.00	\$125.00	\$2,557.50	\$1,031.25
Marton, Susanna	5.75	\$310.00	\$125.00	\$1,782.50	\$718.75
TOTALS	1511.40			\$819,837.75	\$636,701.25

Breakdown Attorneys v. Staff:				
	Hours	Percentages	Regular Lodestar	Discounted Lodestar
Attorneys Total =	1171.75	77.53%	\$710,376.25	\$569,112.50
Staff Total =	339.65	22.47%	\$109,461.50	\$67,588.75
TOTALS =	1511.40	100.00%	\$819,837.75	\$636,701.25

4. Attorney Innessa Melamed Huot is a partner and the head of the Faruqi Firm's Employment Practice Group and regularly bills at \$600.00 per hour. In this case, Huot billed at her discounted rate of \$500.00 per hour. Attorney Adam Gonnelli was with the Faruqi Firm's Employment Practice Group for 14 years and regularly billed at \$795.00 per hour.¹ In this case, Gonnelli billed at his discounted rate of \$500.00 per hour. Attorney Alex J. Hartzband is an Associate at the Faruqi Firm's Employment Practice Group and regularly bills at \$450.00 per hour. In this case, Hartzband billed at his discounted rate of \$350.00 per hour. Attorney Josephine A. Reina was an Associate at the Faruqi Firm's Employment Practice Group and regularly billed at \$450.00 per hour. In this case, Reina billed at her discounted rate of \$350.00 per hour. Attorney Patrick J. Collopy is an Associate at the Faruqi Firm's Employment Practice Group and regularly bills at \$400.00 per hour. In this case, Collopy billed at his discounted rate of \$350.00 per hour. Jacob B. Sher was a Law Clerk at the Faruqi Firm's Employment Practice Group and regularly billed at \$350.00 per hour. In this case, Sher billed at his discounted rate of \$275.00 per hour. Anthony J. Aloise is the Faruqi Firm's head paralegal on this matter and regularly bills as \$310.00 per hour. In this case Aloise billed at his discounted rate of \$175.00 per hour.² The remaining professional support staff at the Faruqi Firm, including Derek Behnke, Simone Braxton, Michael

¹ Adam Gonnelli left the Faruqi Firm in September 2016. The time recorded here reflects the amount of work done on behalf of the Faruqi Firm up until his departure.

² In addition to his regular paralegal duties, Aloise managed the document review process and organized the hot document database in this case. Aloise maintained and catalogued pertinent records and cross referenced them in the master spreadsheet. The review process was centralized through Aloise to streamline organization and avoid duplication.

LoBosco, and Susanna Marton, regularly bill at \$310.00 per hour but billed at their discounted rate of \$125.00 per hour in this case.

5. The Faruqi Firm's regular hourly rates for partners, other attorneys, and professional support staff are the same as the regular current rates charged for their services in non-contingent matters and/or have been used in the lodestar cross check and have been deemed reasonable. Indeed, these rates have been approved for the Faruqi Firm by courts in the Second Circuit and across the country. *E.g.*, *Rodriguez v. CitiMortgage, Inc.*, Case No. 11-cv-4718, (S.D.N.Y. Oct. 6, 2015) (approving partner rate of \$775, associates at \$425-625; and paralegals at \$260-340); *Rossi v. Proctor & Gamble Co.*, No. 11-7238 (JLL), 2013 U.S. Dist. LEXIS 143180, at *30 (D.N.J. Oct. 3, 2013) (\$650-\$850 for partners, \$375-535 for associates, and \$235-265 for paralegals); *Milliron v. T-Mobile USA*, No. 08-CV-04149, 2009 U.S. Dist. LEXIS 101201 (D.N.J. July 17, 2009) (\$450-675 for partners and \$235 for paralegals was reasonable); *McIntyre v. Chelsea Therapeutics International, Ltd.*, No. 3:12-cv-00213, 2016 U.S. Dist. LEXIS 139275 (W.D.N.C. Sept. 19, 2016) (approving partner rates of \$725 per hour and associates at \$325-425 per hour); *Run Them Sweet, LLC, v. CPA Global, LTD. and CPA Global North America, LLC.*, 16 CV 1347 (E.D. Va. Oct. 6, 2017) (approving partner rates of \$600-795 per hour and paralegals at \$310 per hour); *In re Titanium Dioxide Antitrust Litig.*, No. 10-CV-00318, 2013 U.S. Dist. LEXIS 176099 (D. Md. Dec. 13, 2013) (approving rates at \$675-725 per hour for partners and \$400-585 per hour for associates); *see also In re Geron Corp. Sec. Litig.*, No. 3:14-CV-01224-CRB (N.D. Cal. July 21, 2017) (\$795 for partners and \$375-550 for associates was deemed reasonable); *In re Dynavax Sec. Litig.*, No. 3:13-cv-02796-CRB (N.D. Cal. Feb 10, 2017) (\$550-850 for partners and \$400-550 for associates was reasonable); *Forcellati v. Hyland's, Inc.*, No. CV 12-1983-GHK (MRWx), slip op. (C.D. Cal. Aug. 14, 2017) (approving partner rates at \$550-\$950 per hour,

associates rates at \$400-560 per hour, and paralegals at \$260-375 per hour); *Astiana v. Kashi Co.*, Case No. 11-CV-1967-H (BGS), 2014 U.S. Dist. LEXIS 127624 (S.D. Cal. Sept. 2, 2014) (\$675-\$875 per hour for partners, \$375-510 per hour for associates, and \$245-315 for paralegals); *In re Am. Apparel S'holder Litig.*, No. CV 10-06352 MMM (JCGx), 2014 U.S. Dist. LEXIS 184548, at *80 (C.D. Cal. July 28, 2014) (approved hourly rates of \$735 for partners); *In re Alexia Foods, Inc. Litigation*, Case No. 4:11-cv-06119 PJH (N.D. Cal. Dec. 12, 2013) (hourly rates of \$650-875 for partners and \$390-450 for associates was approved); *In re Haier Freezer Consumer Litigation*, Case No. C 11-02911 EJD (N.D. Cal. Oct. 25, 2013) (\$645-850 per hour for partners and \$375-535 for associates); *Cox v. Clarus Marketing Group, LLC.*, 291 F.R.D. 473, 483 (S.D. Cal. 2013) (\$625-850 for partners and \$390-535 for associates); *Shop-Vac Mktg. & Sales Practices Litig.*, No. 2380, 2016 U.S. Dist. LEXIS 170841, at *45-46 (M.D. Pa. Dec. 9, 2016) (approving rate of \$750 per hour for partner); *Aron v. Crestwood Midstream Partners LP*, No. 4:15-CV-1367 2016 US Dist. LEXIS 152427, at *28-32 (S.D. Tex. Oct. 14, 2016) (\$775-795 for partners, \$450 for associates, and \$275-375 for paralegals was reasonable).

6. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

7. Travel time has been billed at a 50% rate.

8. In the exercise of billing discretion, I have not included de minimis time and have removed time that I considered duplicative.

9. As of November 2, 2018, the total number of hours expended on this litigation by my firm is 1511.40 hours. The total lodestar based on the law firm's regular rates is \$819,837.75. The total lodestar based on the law firm's discounted rates is **\$636,701.25**, consisting of \$569,112.50 for attorneys' time and \$67,588.75 for professional support staff time.

10. As detailed below, my firm has incurred a total of **\$57,942.17** in unreimbursed expenses in connection with the prosecution of this litigation. These expenses include \$49,875.68 paid for claims administrators and for the administration of notice and settlement in this case.

11. The expenses incurred in this action are reflected on the books and records of my firm, which are available at the request of the Court. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses as charged by the vendors. Third-party expenses are not marked up. A summary of these expenses is provided in the schedule below. Upon request, we will provide the Court with copies of documentation for each of the costs itemized above.

Description	Amount
Claims Administration – Notice Administration	\$13,059.88
Claims Administration – Settlement Administration	\$36,815.80
Court Filing/Service Fees	\$244.00
Computer & Other Research Fee(s) - (Lexis/Westlaw/Bloomberg)	\$341.87
Court Reporting Service	\$3,064.75
Travel Expenses (including hotels, meals, and transportation)	\$4,041.87
Telephone/Fax	\$365.00
Postage/FedEx	\$9.00
Total Expenses	\$57,942.17

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of November, 2018.



Innessa Melamed Huot